

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DANIEL LACEY and KATHRYN LACEY

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV646N

**TONY HAKIMIAN and GLASS
EMPORIUM, d/b/a Glass Masters**

DEFENDANTS

ORDER

This matter came before the court on the Motion to Compel filed by the Plaintiffs in this matter, by which they seek information regarding the financial worth of Tony Hakimian and Glass Masters. They argue that the information is relevant to “identify an available source of funds” with which to pay any verdict and is also relevant to their punitive damage claim. The Defendants oppose the Motion.

Fair and reasonable parameters of discovery on the issue of the net worth of a Defendant is a difficult issue for a court. Certainly, where punitive damages are appropriate, the wealth of a Defendant is a legitimate element of inquiry and proof. A Plaintiff should be allowed an adequate opportunity to prove a legitimate punitive damage claim. On the other side of the balance, by simply inserting a claim for punitive damages in a pleading, a plaintiff should not be able to have *carte blanche* access to the private financial life of a defendant. A reasonable balance is struck by requiring the Defendants to bring to trial a sworn financial statement, fairly outlining, under the penalty of perjury, the Defendant’s assets, liabilities, and net worth. Thus, the Motion to Compel will be granted to the extent that the financial statement shall be held and maintained as private by the Defendant and the Defendant’s attorney until such time as the court rules that punitive damages are an appropriate subject for consideration.

IT IS, THEREFORE, ORDERED that the Plaintiffs' Motion to Compel is hereby **granted** in part and **denied** in part, as discussed above.

IT IS SO ORDERED, this the 4th day of January, 2006.

S/Alfred G. Nicols, Jr.
UNITED STATES MAGISTRATE JUDGE